

Serial No.: 10/595,947
Art Unit: 1777
Atty Docket: W004 P01350-US

REMARKS

I. Status of the Claims

Claims 1, 4, 5, 7 and 8 are under examination in the application. Claims 2, 3, 6, and 9-22 have been withdrawn from examination pursuant to a species restriction requirement. Claim 8 has been amended to depend from claim 1. No claims have been canceled. Claims 1-22 are pending in the application.

II. Claim Rejection Under 35 U.S.C. § 112

The Examiner rejected claim 8 under 35 U.S.C. § 112 as being indefinite because the earlier amendment made to claim 7 to require the pressure exerting means to be of the same material as the edge strip appeared to conflict with the limitation in claim 8 that the pressure exerting means and edge strip have different hardness. However, the limitation in claim 7 does not require that the pressure exerting means and edge strip are identical material, only that they are “formed from the same material”. As the examiner noted, one skilled in the art may not recognize the two materials of differing hardness as identical because of post processing changes to the chemical structure. However, one skilled in the art would recognize and appreciate that two materials having different hardness could have been “formed from the same material”. That is, the different processes applied to change the hardness of the material to make it softer (or harder) are applied to the same material to achieve the desired hardness of the two resulting chemically-altered materials. Regardless, applicant has amended claim 8 to depend from claim 1, thereby eliminating the apparent discontinuity between claim 7 and claim 8. Accordingly, Applicant requests reconsideration and allowance of claim 8.

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III. Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 4, 5, 7 and 8 were rejected under 35 U.S.C. § 103(a) as being obvious over the combination of WO 2004/030790 (Hibble) and U.S. Patent No. 5,599,446 (Junker).

Regarding claim 1, the Examiner cited Hibble for disclosing the concepts of using a separate pressure exerting means to force the elongate body of the filter into engagement with the complimentary part on the frame member. (Figs. 8 and 10). The Examiner admits that Hibble does not disclose that the filter cloth is retained between two flaps on the edge strip of the elongate body. The Examiner turns to Junker for the concept of retaining a filter cloth between two flaps. Specifically, the Examiner refers to Fig. 2 of Junker.

A closer examination of Junker, though, reveals that the frame (26) is injection molded around the filter cloth (28) and that it is made from rigid plastic. (Col. 3, Lns. 62-66). Junker, at Col. 5, Lns. 35-40, further recites a number of other plastics (and other materials) that the frame may be manufactured out of, none of which on their face appear to be rubber or plastic with rubber-like qualities. Junker includes no separate pressure exerting means to retain the elongate bodies in the apparatus also.

In the amendment to claim 1, Applicant submitted the limitation that the edge strip member was selected from the group consisting of “flexible rubber, synthetic rubber and plastic with rubber-like properties”, which excludes rigid plastic among other materials. Moreover, Applicant further limited claim 1 to recite that filter cloth was secured between the flaps by a method selected from the group consisting of “stitching, welding, adhering, and extruding...”, which excludes injection molding, among other processes, as taught in Junker. Furthermore, the use of flexible frame profiles on the ends of the filter cloth provides excellent protection for the cloth edges and allows a tight vacuum seal against the resilient clamping member once the whole

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system is in place. This prevents leakage which would otherwise result in vacuum drops in the apparatus and prevents particle ingress to the back side of the cloth and body of the filter, thus increasing filtration efficiency and preventing cloth or even machine damage due to ingress of abrasive particulate matter, which are not taught or suggested in Junker or Hibble.

Although the Examiner point to Hibble page 8, lines 30-32, for teaching the concept of sewing or welding the filter cloth to the inner edge of the edge strip, Hibble does not teach sewing or welding the filter cloth between two flaps. Furthermore, Junker does not teach flaps because Junker teaches injection molding the edge strip around the filter cloth. Fig. 2 of Junker does not show flaps on the edge strip, but rather excess frame material that has been molded around the filter cloth during the injection molding process. Furthermore, the Examiner's reasoning to combine Junker with Hibble to provide a sturdier filter assembly appears to be post hoc. Junker simply does not support the Examiner's assertion.

Because neither Hibble or Junker teach flaps on the edge strip that are stitched, welded, adhered, or extruded onto said edge strip member, the combination does not render claim 1 obvious. Therefore, the Applicant respectfully solicits reconsideration of pending claims 1 and dependent claims 4, 5, 7 and 8.

Regarding claims 4 and 5, Applicant asserts that the rejection of claims 4 and 5 can no longer stand in light of the arguments submitted above for claim 1. Accordingly, Applicant requests reconsideration and allowance of claims 4 and 5.

Regarding claim 7, the Examiner states that Hibble discloses the limitation that the pressure exerting means is formed from the same material as the edge strip member, but provides no internal citation within Hibble itself supporting this disclosure other than the reference numbers 96 and 98. Although Hibble discloses the cloth connector ring 42, 44 may be

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manufactured from rubber, thermoplastic rubber, plastic or cloth, Hibble appears to be silent on the composition of the first lock ring 96 and the second lock ring 98. Therefore, Hibble does not teach the limitation that the pressure exerting means is formed from the same material as the edge strip member. Accordingly, Applicant requests reconsideration and allowance of claim 7.

Regarding claim 8, the Examiner states that Hibble discloses the limitation that the pressure exerting means is of a different hardness to the edge strip, provides no internal citation within Hibble itself supporting this disclosure other than the reference numbers 96 and 98.

Although Hibble discloses the cloth connector ring 42, 44 may be manufactured from rubber, thermoplastic rubber, plastic or cloth, Hibble appears to be silent on the composition of the first lock ring 96 and the second lock ring 98. Therefore, Hibble does not teach the limitation that the pressure exerting means is of a different hardness to the edge strip. Accordingly, Applicant requests reconsideration and allowance of claim 8.

IV. Request for Rejoinder

In light of the arguments made above that the claims are patentable over the cited prior art, Applicant request rejoinder and allowance of the withdrawn claims 2, 3, 6, and 9-22.

V. Conclusion

In view of the foregoing, the Applicant respectfully solicits reconsideration of the pending claims 1-22.

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The USPTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,

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